

1 THE HONORABLE JOHN C. COUGHENOUR
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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 DARLENE MCCLINTON, personal
11 representative of the ESTATE OF KEITH
12 MCCLINTON,

13 Plaintiff,

14 v.
15 UNITED STATES OF AMERICA,

16 Defendant.

17 CASE NO. C14-0825 JCC
18 ORDER APPROVING
19 SETTLEMENT FOR MINOR CHILD
20 K.M. AND DISBURSEMENT OF
21 FUNDS

22 This matter comes before the Court on Plaintiff's "Petition to Approve Settlement for
23 Minor Child K.M. and For Disbursement of Funds" (the "Petition") (Dkt. No. 26). Having
24 thoroughly considered the parties' briefing and the relevant record, the Court hereby
25 APPROVES the settlement and ORDERS the following:
26

1. The proposed settlement as set forth in the Settlement Guardian Ad Litem Report
2. (the "Report") (Dkt. No. 26-1) is approved;
2. Because this action was brought pursuant to the Federal Tort Claims Act,
3. plaintiff's attorney fees are limited to 25% of the total settlement. 28 U.S.C. §
4. 2678. The Court hereby approves the costs incurred as outlined in the Report and
5. the payment of an attorney fee that totals 25% of the total settlement;

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- 1 3. Payment of attorney fees and costs shall be allocated between K.M. and the
- 2 Plaintiff in proportion to the amount of the total settlement allocated to K.M. and
- 3 the remaining statutory beneficiaries of the estate;
- 4 4. The Settlement Guardian Ad Litem's fees and costs as outlined in the Report are
- 5 found to be reasonable, are approved, and should be paid out of the amount of the
- 6 total settlement allocated to K.M.;
- 7 5. The Court approves and adopts the Guardian Ad Litem's recommendation that
- 8 settlement funds allocated to K.M. and approved by the Court be placed into a
- 9 trust that includes both a cash and a structured settlement component and that the
- 10 trust be established and supervised by the Washington state probate court;
- 11 6. The Court directs Plaintiff and the Settlement Guardian Ad Litem to act promptly
- 12 to secure the approval of the trust referred to in this order and in the Report and—
- 13 in the event that settlement proceeds are paid before the trust is approved in state
- 14 court—the Court orders plaintiff's counsel to retain the settlement proceeds
- 15 allocated to K.M. in its trust account pending creation and approval of the trust;
- 16 7. Counsel for the minor child shall, within 30 days of the creation and approval of
- 17 the trust, file a Proof of the Approval of the Trust for K.M., as evidence that the
- 18 Court's Order Approving Settlement for Minor Child K.M. and Disbursement of
- 19 Funds has been carried out;
- 20 8. The Guardian Ad Litem is discharged upon completion of the
- 21 requirements stated above.

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DATED this 9 day of September 2015.

John C. Coyne, Jr.

John C. Coughenour
UNITED STATES DISTRICT JUDGE

ORDER APPROVING SETTLEMENT FOR
MINOR CHILD K.M. AND DISBURSEMENT OF
FUNDS
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